

Serial No.: 09/916,652

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Inventor(s) Martin Birk et al.  
Serial No. 09/916,652 Group Art Unit : 2633  
Filing Date July 30, 2001  
Docket No 2000-0482A Examiner: Negash, Kinfe Michael  
Title **SYSTEM FOR FLEXIBLE MULTIPLE BROADCAST  
SERVICE DELIVERY OVER A WDM-PASSIVE OPTICAL  
NETWORK BASED ON RF BLOCK-CONVERSION OF RF  
SERVICE BANDS WITHIN WAVELENGTH BANDS**

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DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

SIR:

The owner, AT&T Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on United States Appl. Serial No. 09/916,648 ("the '648 Application"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the '648 Application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

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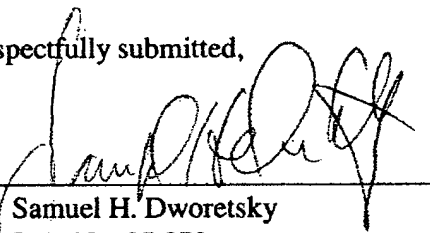
statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the '652 Application, as presently shorted by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held un enforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

The undersigned is an attorney of record.

Respectfully submitted,

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